

106TH CONGRESS  
2D SESSION

# H. R. 4600

To require schools and libraries to implement filtering or blocking technology for computers with Internet access as a condition of universal service discounts under the Communications Act of 1934.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 2000

Mr. PICKERING (for himself, Mr. FRANKS of New Jersey, Mr. TAUZIN, Mr. LARGENT, Mr. CRAMER, Mr. PITTS, Mr. BAKER, Mr. JONES of North Carolina, Mr. DEMINT, Mr. HILLEARY, Mr. HUTCHINSON, Mr. WICKER, and Mr. ISTOOK) introduced the following bill; which was referred to the Committee on Commerce

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## A BILL

To require schools and libraries to implement filtering or blocking technology for computers with Internet access as a condition of universal service discounts under the Communications Act of 1934.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Children’s Internet  
5 Protection Act”.

1 **SEC. 2. REQUIREMENT FOR SCHOOLS AND LIBRARIES TO**  
2 **IMPLEMENT FILTERING OR BLOCKING TECH-**  
3 **NOLOGY FOR COMPUTERS WITH INTERNET**  
4 **ACCESS AS CONDITION OF UNIVERSAL SERV-**  
5 **ICE DISCOUNTS.**

6 (a) SCHOOLS.—Section 254(h) of the Communica-  
7 tions Act of 1934 (47 U.S.C. 254(h)) is amended—

8 (1) by redesignating paragraph (5) as para-  
9 graph (7); and

10 (2) by inserting after paragraph (4) the fol-  
11 lowing new paragraph (5):

12 “(5) REQUIREMENTS FOR CERTAIN SCHOOLS  
13 WITH COMPUTERS HAVING INTERNET ACCESS.—

14 “(A) INTERNET FILTERING.—

15 “(i) IN GENERAL.—Except as pro-  
16 vided in clause (ii), an elementary or sec-  
17 ondary school having computers with  
18 Internet access may not receive services at  
19 discount rates under paragraph (1)(B) un-  
20 less the school, school board, or other au-  
21 thority with responsibility for administra-  
22 tion of the school—

23 “(I) submits to the Commission a  
24 certification described in subpara-  
25 graph (B); and

1 “(II) ensures the use of such  
2 computers in accordance with the cer-  
3 tification.

4 “(ii) APPLICABILITY.—The prohibi-  
5 tion in paragraph (1) shall not apply with  
6 respect to a school that receives services at  
7 discount rates under paragraph (1)(B)  
8 only for purposes other than the provision  
9 of Internet access, Internet service, or in-  
10 ternal connections.

11 “(B) CERTIFICATION.—A certification  
12 under this subparagraph is a certification that  
13 the school, school board, or other authority with  
14 responsibility for administration of the school—

15 “(i) has selected a technology for its  
16 computers with Internet access in order to  
17 filter or block Internet access through such  
18 computers to—

19 “(I) material that is obscene;

20 “(II) child pornography; and

21 “(III) material that is harmful to  
22 minors during the use of such com-  
23 puters by a minor; and

1           “(ii) is enforcing a policy to ensure  
2           the operation of the technology during any  
3           use of such computers.

4           “(C) USE OF TECHNOLOGY.—

5           “(i) ADDITIONAL USE.—A school,  
6           school board, or other authority may also  
7           use a technology covered by a certification  
8           under subparagraph (B) to filter or block  
9           Internet access through the computers con-  
10          cerned to any material in addition to the  
11          material specified in that subparagraph  
12          that the school, school board, or other au-  
13          thority determines to be inappropriate.

14          “(ii) DISABLING DURING ADULT  
15          USE.—An administrator, supervisor, or  
16          other authority may disable the technology,  
17          during use by an adult, to enable  
18          unfiltered access for bona fide research or  
19          other lawful purpose.

20          “(D) TIMING OF IMPLEMENTATION.—

21          “(i) IN GENERAL.—Subject to clause  
22          (ii) in the case of any school covered by  
23          this paragraph as of the effective date of  
24          this paragraph under section 2(h) of the  
25          Children’s Internet Protection Act, the cer-

tification under subparagraph (B) shall be made as part of the application process for the next program funding year [(?)] following enactment, and for each subsequent year thereafter.

“(ii) PROCESS.—

“(I) SCHOOLS WITH FILTERING INTERNET TECHNOLOGY INSTALLED.—A school covered by clause (i) which has already purchased and installed Internet filtering technology shall certify to its compliance with subparagraph (B) during each annual program application cycle.

“(II) SCHOOLS WITHOUT INTERNET FILTERING TECHNOLOGY INSTALLED.—A school covered by clause (i) which has not purchased and installed Internet filtering technology—

“(aa) for the first program year in which they are applying for funds, shall certify that it is undertaking procurement to purchase and install filtering technology; and

1 “(bb) for the second pro-  
2 gram year, shall certify that they  
3 are in compliance with subpara-  
4 graph (B).

5 Any school that is unable to certify  
6 compliance in the second program  
7 year shall be ineligible for all funding  
8 for the second year and all subsequent  
9 years under this program, until such  
10 time as the school comes into compli-  
11 ance.

12 “(III) WAIVERS.—Any school  
13 subject to subclause (II) that cannot  
14 come into compliance with subpara-  
15 graph (B) in the second year may  
16 seek a waiver of subclause (II)(bb) if  
17 State or local procurement rules or  
18 regulations or competitive bidding re-  
19 quirements prevent the making of the  
20 certification otherwise required by  
21 such subclause. A school, school  
22 board, or other authority with respon-  
23 sibility for administration of the  
24 school shall notify the Commission of  
25 the applicability of such subclause to

1 the school. Such notice shall certify  
2 that the school in question will be  
3 brought into compliance prior to the  
4 start of the third program year in  
5 which the school is applying for funds.

6 “(E) NONCOMPLIANCE.—

7 “(i) FAILURE TO SUBMIT CERTIFI-  
8 CATION.—Any school that knowingly fails  
9 to comply with the application guidelines  
10 regarding the annual submission of certifi-  
11 cation required by this paragraph shall not  
12 be eligible for funding under this program.

13 “(ii) FAILURE TO COMPLY WITH CER-  
14 TIFICATION.—Any school that knowingly  
15 fails to ensure the use of its computers in  
16 accordance with a certification under sub-  
17 paragraph (B) shall be subject to enforce-  
18 ment action by the Commission, up to and  
19 including full reimbursement of funds re-  
20 ceived in violation.”.

21 (b) LIBRARIES.—Such section 254(h) is further  
22 amended by inserting after paragraph (5), as amended by  
23 subsection (a) of this section, the following new para-  
24 graph:

1           “(6) REQUIREMENTS FOR CERTAIN LIBRARIES  
2       WITH COMPUTERS HAVING INTERNET ACCESS.—

3           “(A) INTERNET FILTERING.—

4           “(i) IN GENERAL.—A library having  
5       one or more computers with Internet ac-  
6       cess may not receive services at discount  
7       rates under paragraph (1)(B) unless the  
8       library—

9           “(I) submits to the Commission a  
10       certification described in subpara-  
11       graph (B); and

12           “(II) ensures the use of such  
13       computers in accordance with the cer-  
14       tification.

15           “(ii) APPLICABILITY.—The prohibi-  
16       tion in paragraph (1) shall not apply with  
17       respect to a library that receives services at  
18       discount rates under paragraph (1)(B)  
19       only for purposes other than the provision  
20       of Internet access, Internet service, or in-  
21       ternal connections.

22           “(B) CERTIFICATION.—A certification  
23       under this subparagraph is a certification that  
24       the library—



1 “(i) has selected a technology for its  
2 computer or computers with Internet ac-  
3 cess in order to filter or block Internet ac-  
4 cess through such computer or computers  
5 to—

6 “(I) material that is obscene;

7 “(II) child pornography; and

8 “(III) material that is harmful to  
9 minors during any use of such com-  
10 puter or computers by a minor; and

11 “(ii) is enforcing a policy to ensure  
12 the operation of the technology during the  
13 use of such computer or computers.

14 “(C) USE OF TECHNOLOGY.—

15 “(i) ADDITIONAL USE.—A library may  
16 also use a technology covered by a certifi-  
17 cation under subparagraph (B) to filter or  
18 block Internet access through the com-  
19 puters concerned to any material in addi-  
20 tion to the material specified in that sub-  
21 paragraph that the library determines to  
22 be inappropriate.

23 “(ii) DISABLING DURING ADULT  
24 USE.—An administrator, supervisor, or  
25 other authority may disable the technology,

1 during use by an adult, to enable  
2 unfiltered access for bona fide research or  
3 other lawful purpose.

4 “(D) TIMING OF IMPLEMENTATION.—

5 “(i) IN GENERAL.—Subject to clause  
6 (ii) in the case of any library covered by  
7 this paragraph as of the effective date of  
8 this paragraph under section 2(h) of the  
9 Children’s Internet Protection Act, the cer-  
10 tification under subparagraph (B) shall be  
11 made as part of the application process for  
12 the next program funding year [(?) ] fol-  
13 lowing enactment, and for each subsequent  
14 year thereafter.

15 “(ii) PROCESS.—

16 “(I) LIBRARIES WITH FILTERING  
17 INTERNET TECHNOLOGY IN-  
18 STALLED.—A library covered by  
19 clause (i) which has already purchased  
20 and installed Internet filtering tech-  
21 nology shall certify to its compliance  
22 with subparagraph (B) during each  
23 annual program application cycle.

24 “(II) LIBRARIES WITHOUT  
25 INTERNET FILTERING TECHNOLOGY

1           INSTALLED.—A library covered by  
2           clause (i) which has not purchased  
3           and installed Internet filtering  
4           technology—

5                   “(aa) for the first program  
6                   year in which they are applying  
7                   for funds, shall certify that it is  
8                   undertaking procurement to pur-  
9                   chase and install filtering tech-  
10                  nology; and

11                   “(bb) for the second pro-  
12                   gram year, shall certify that they  
13                   are in compliance with subpara-  
14                   graph (B).

15           Any library that is unable to certify  
16           compliance in the second program  
17           year shall be ineligible for all funding  
18           for the second year and all subsequent  
19           years under this program, until such  
20           time as the library comes into compli-  
21           ance.

22                   “(III) WAIVERS.—Any library  
23                   subject to subclause (II) that cannot  
24                   come into compliance with subpara-  
25                   graph (B) in the second year may

1 seek a waiver of subclause (II)(bb) if  
2 State or local procurement rules or  
3 regulations or competitive bidding re-  
4 quirements prevent the making of the  
5 certification otherwise required by  
6 such subclause. A library, library  
7 board, or other authority with respon-  
8 sibility for administration of the li-  
9 brary shall notify the Commission of  
10 the applicability of such subclause to  
11 the library. Such notice shall certify  
12 that the library in question will be  
13 brought into compliance prior to the  
14 start of the third program year in  
15 which the library is applying for  
16 funds.

17 “(E) NONCOMPLIANCE.—

18 “(i) FAILURE TO SUBMIT CERTIFI-  
19 CATION.—Any library that knowingly fails  
20 to comply with the application guidelines  
21 regarding the annual submission of certifi-  
22 cation required by this paragraph shall not  
23 be eligible for funding under this program.

24 “(ii) FAILURE TO COMPLY WITH CER-  
25 TIFICATION.—Any library that knowingly

1 fails to ensure the use of its computers in  
2 accordance with a certification under sub-  
3 paragraph (B) shall be subject to enforce-  
4 ment action by the Commission, up to and  
5 including full reimbursement of funds re-  
6 ceived in violation.”.

7 (c) DEFINITIONS.—Paragraph (7) of such section, as  
8 redesignated by subsection (a)(1) of this section, is  
9 amended by adding at the end the following:

10 “(D) MINOR.—The term ‘minor’ means  
11 any individual who has not attained the age of  
12 17 years.

13 “(E) OBSCENE.—The term ‘obscene’ has  
14 the meaning given such term in section 1460 of  
15 title 18, United States Code.

16 “(F) CHILD PORNOGRAPHY.—The term  
17 ‘child pornography’ has the meaning given such  
18 term in section 2256 of title 18, United States  
19 Code.

20 “(G) MATERIAL THAT IS HARMFUL TO MI-  
21 NORS.—The term ‘material that is harmful to  
22 minors’ means any communication, picture,  
23 image, graphic image file, article, recording,  
24 writing, or other matter of any kind that—

1 “(i) taken as a whole and with respect  
 2 to minors, appeals to a prurient interest in  
 3 nudity, sex, or excretion;

4 “(ii) depicts, describes, or represents,  
 5 in a patently offensive way with respect to  
 6 what is suitable for minors, an actual or  
 7 simulated sexual act or sexual contact, ac-  
 8 tual or simulated normal or perverted sex-  
 9 ual acts, or a lewd exhibition of the geni-  
 10 tals; and

11 “(iii) taken as a whole, lacks serious  
 12 literary, artistic, political, or scientific  
 13 value.

14 “(H) SEXUAL ACT; SEXUAL CONTACT.—  
 15 The terms ‘sexual act’ and ‘sexual contact’ have  
 16 the meanings given such terms in section 2246  
 17 of title 18, United States Code.”.

18 (d) CONFORMING AMENDMENT.—Paragraph (4) of  
 19 such section is amended by striking “paragraph (5)(A)”  
 20 and inserting “paragraph (7)(A)”.

21 (e) SEPARABILITY.—If any provision of paragraph  
 22 (5) or (6) of section 254(h) of the Communications Act  
 23 of 1934, as amended by this section, or the application  
 24 thereof to any person or circumstance is held invalid, the  
 25 remainder of such paragraph and the application of such

1 paragraph to other persons or circumstances shall not be  
2 affected thereby.

3 (f) REGULATIONS.—

4 (1) REQUIREMENT.—The Federal Communica-  
5 tions Commission shall prescribe regulations for pur-  
6 poses of administering the provisions of paragraphs  
7 (5) and (6) of section 254(h) of the Communications  
8 Act of 1934, as amended by this section.

9 (2) DEADLINE.—Notwithstanding any other  
10 provision of law, the Commission shall prescribe reg-  
11 ulations under paragraph (1) so as to ensure that  
12 such regulations take effect 120 days after the date  
13 of the enactment of this Act.

14 (g) AVAILABILITY OF RATES.—Discounted rates  
15 under section 254(h)(1)(B) of the Communications Act of  
16 1934 (47 U.S.C. 254(h)(1)(B))—

17 (1) shall be available in amounts up to the an-  
18 nual cap on Federal universal service support for  
19 schools and libraries only for services covered by  
20 Federal Communications Commission regulations on  
21 priorities for funding telecommunications services,  
22 Internet access, Internet services, and Internet con-  
23 nections that assign priority for available funds for  
24 the poorest schools; and

1           (2) to the extent made available under para-  
2       graph (1), may be used for the purchase or acquisi-  
3       tion of filtering or blocking products necessary to  
4       meet the requirements of section 254(h) (5) and (6)  
5       of that Act, but not for the purchase of software or  
6       other technology other than what is required to meet  
7       those requirements.

8       (h) EFFECTIVE DATE.—The amendments made by  
9       this section shall take effect 120 days after the date of  
10      the enactment of this Act.

○